

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE SIMPKINS,

Plaintiff,

No. CIV S-04-1433 DFL PAN P

vs.

FOOTHILL ORTHOPEDIC, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

By order filed March 27, 2006, plaintiff was ordered to show cause, within thirty days, why his action should not be dismissed. The thirty day period has now expired, and plaintiff has not shown cause or otherwise responded to the court's order.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the

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1 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
2 F.2d 1153 (9th Cir. 1991).

3 DATED: April 25, 2006.

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6 UNITED STATES MAGISTRATE JUDGE
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